

REMARKS

In the Office Action dated 19 February 2003, claims 4, 6-8 and 10-13 were withdrawn from consideration and claims 1-3, 5, 9 and 14-16 were rejected. Applicant has carefully considered the Office Action and submits the amendments above and the remarks to follow as a full and complete response.

Applicant notes that a species election was required in the paper mailed 31 October 2002 and Applicant elected the species identified as B. Applicant noted at that time that Claims 1, 2 and 5, and were as claims 14, 15 and 16 were generic. Applicant has cancelled claims 5 and 16 but the remaining generic claims are still pending. Applicant has amended claim 1 in response to the rejection under 35 USC §112, second paragraph and respectfully asserts that the amended claim is allowable and that the rejection of the claims to the elected species being withdrawn, continued examination of the remaining species is proper.

With regard to the rejection of claim 1, applicant has deleted reference to means for detection of the end of a user's stride which suggests a physical element or object which must be present in each species.

The invention resides in the discovery that it is possible to provide an exerciser which is instantly adaptable to varying stride lengths while walking, jogging, running or even stepping. All previous embodiments of such walking-exercise device required one to either keep up with a moving floor (treadmill) or take steps of the same length so that the opposite side would return to the starting point. Instead, this invention enables a return of a foot pedal to the constant foot-down start position independently of stride length. To accomplish this, the apparatus takes advantage of the natural transfer of weight to the forward foot with each step. The cycle ends when the force at the forward step down location exceeds that on the lifting rear foot. The lifting of the rear foot is "detected" by the diminution of weight, not necessarily by any microswitch (note page 15, line 22 and following).

With respect to the question of a “foot pedal breaking means to brake forward motion of said pedal,” the device at issue is described at page 24, lines 7-26 with respect to the species shown in Fig. 10.

Claims 1,2,5,6,15 and 16 have been rejected under 35 USC §102(b) as being anticipated by Rodgers, Jr., U.S. Patent No. 5,989,163. Rodgers is directed to a foot pedal exercise machine which incorporates a fly wheel “inertial drive” system to ease the pain of exercising.

Rodgers’ device is typical of the constant stride length walking exercise machines. The foot pedal (travelers 104) are connected in both versions (Figs. 1-8 and 9-12) and move only equally and oppositely through belts 114 and 112. This means that the returning pedal can travel forward only as far as the working pedal is moving rearward. When a short stride is used for one step, the off-side pedal will not arrive the desired step-down position at the proper time. Transition from a short stride to a long stride is equally impractical.

Contrast the Rodgers’ device to that of the Applicant’s exerciser in which the return of each pedal to the constant step down position occurs even when varying stride length which is initiated and caused by the user’s front foot step-down which accompanies opposite foot lift-off. At the end of a stride and regardless of the length thereof, the rear foot pedal begins to move forward to be positioned at a consistent position for step-down on that side.

With respect to claim 2, it is as noted above that the interlocking of the belts cannot provide for variable stride length even if the process is initiated by stepping down (it is a human powered device).

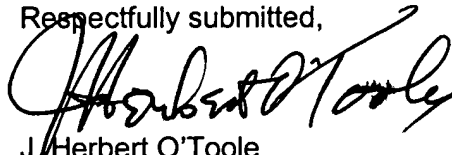
The subsequent claim-by-claim analysis fails to cure the simple and basic fact that Rodgers cannot respond properly to variations in stride due to the lockstep arrangement of his belt mechanism.

In view of the amendments and remarks above, Applicant submits that the elected species is patentable and requests examination of the remaining species.

Applicant submits with this response an Information Disclosure Statement and authorizes the fee of \$180.00 to be charged to Customer Deposit Account NO. 08-0719.

The Commissioner is authorized to charge any other fees due and credit any overpayment relating to this filing only to Customer Account No. 08-0719.

Respectfully submitted,



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Enclosures: Amendments to Claims
 IDS /w cited references;